

RYAN, MASON & LEWIS, LLP
ATTORNEYS AT LAW
90 FOREST AVENUE
LOCUST VALLEY, NEW YORK 11560
Telephone: (516) 759-2722
Facsimile: (516) 759-9512
email: wel@rml-law.com

DATE: June 9, 2003**FILE:** Attorney Docket No. SOM919990007US1
Serial No. 09/444,317**Facsimile Message From: WILLIAM E. LEWIS**

Please deliver the following pages to:

NAME: Examiner Francis N. Nguyen**OF:** U.S. Patent and Trademark Office**FAX NUMBER:** (703) 872-9314**NUMBER OF PAGES INCLUDING THIS COVER PAGE:** 12**COMMENTS/INSTRUCTIONS**

As per your request, attached are copies of the Amendment Transmittal and Amendment and Response to Office Action with enclosures which were filed with the U.S. Patent and Trademark Office on April 3, 2003 for Application Serial No. 09/444,317. Also attached is a copy of the return stamped postcard indicating receipt in the USPTO on April 9, 2003. Please let us know if you require any additional information. Thank you for your help.

If you do not receive all of the pages, please call us back as soon as possible at (516) 759-2722.

THIS MESSAGE IS INTENDED FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA U.S. POSTAL SERVICE. THANK YOU.

OfficialAttorney Docket No. SOM919990007US1RECEIVED
4/9/03 MB**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****Patent Application**

Applicant(s): J.S. Lipscomb et al.
Docket No.: SOM919990007US1
Serial No.: 09/444,317
Filing Date: November 22, 1999
Group: 2674
Examiner: Francis N. Nguyen

I hereby certify that this paper is being deposited on this date with the U.S. Postal Service as first class mail addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Signature: *Shirley A. Glaser*

Date: April 3, 2003

Title: System and Method for Reconciling Multiple Inputs

AMENDMENT TRANSMITTAL

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Submitted herewith is the following document relating to the above-identified patent application:

- (1) Amendment and Response to Office Action with enclosures.

Please extend the period for response by one month to April 3, 2003. Please charge Ryan, Mason & Lewis, LLP Deposit Account No. 50-0762 the amount of \$110, to cover this fee. In the event of non-payment or improper payment of a required fee, the Commissioner is authorized to charge or to credit Deposit Account No. 50-0762 as required to correct the error. A duplicate copy of this letter is enclosed.

Respectfully submitted,

William E. Lewis

William E. Lewis
Attorney for Applicant(s)
Reg. No. 39,274
Ryan, Mason & Lewis, LLP
90 Forest Avenue
Locust Valley, NY 11560
(516) 759-2946

Date: April 3, 2003

PATENTDocket No. SE9-99-007 (1963-7342)

Express Mail Label No. _____

IN THE UNITED STATES PATENT AND TRADEMARK OFFICEUTILITY APPLICATION AND APPLICATION FEE TRANSMITTAL (1.53(b))

ASSISTANT COMMISSIONER FOR PATENTS
Box Patent Application
Washington, D.C. 20231

Sir:

Transmitted herewith for filing is the patent application of

All Inventor(s)
including Address(es) James S. LIPSCOMB, Sih-Pin S. CHANG, Shu-Chun Jean CHEN, Keeranoor KUMAR,
Jai MENON, Arun RAMCHANDRA, Liang-Jie ZHANG, Robert C. PLOTKIN, Eric H.
ROFFMAN

For: SYSTEM AND METHOD FOR RECONCILING MULTIPLE INPUTS

Enclosed are:

- ☒ 1 page cover sheet _____
- ☒ 17 page(s) of specification, 1 page(s) of Abstract, 7 page(s) of claims
- ☒ 7 sheets of drawing ☒ formal ☐ informal
- ☐ _____ page(s) of Declaration and Power of Attorney
- ☐ Unsigned
- ☐ Newly Executed
- ☐ Copy from prior application
- ☐ Deletion of inventors including Signed Statement under 37 C.F.R. § 1.63(d)(2)
- ☐ Incorporation by Reference: The entire disclosure of the prior application, from which a copy of the combined declaration and power of attorney is supplied herein, is considered as being part of the disclosure of the accompanying application and is incorporated herein by reference.
- ☐ Microfiche Computer Program (Appendix)
- ☐ _____ page(s) of Sequence Listing
- ☐ computer readable disk containing Sequence Listing
- ☐ Statement under 37 C.F.R. § 1.821(f) that computer and paper copies of the Sequence Listing are the same

OfficialRECEIVED
6/9/03 MBAttorney Docket No: SOM919990007US1**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****Patent Application**

Applicant(s): J.S. Lipscomb et al.
Docket No.: SOM919990007US1
Serial No.: 09/444,317
Filing Date: November 22, 1999
Group: 2674
Examiner: Francis N. Nguyen

I hereby certify that this paper is being deposited on this date with the
U.S. Postal Service as first class mail addressed to the Assistant
Commissioner for Patents, Washington, D.C. 20231.

Signature: Denise A. Glaser Date: April 3, 2003

Title: System and Method for Reconciling Multiple Inputs

AMENDMENT AND RESPONSE TO OFFICE ACTION

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the outstanding Office Action dated December 3, 2002, please amend the above-identified application as follows:

IN THE CLAIMS

Claims 17-19 have been canceled without prejudice.

Claims 1, 2, 21, 23 and 24 have been amended as follows:

1. (Amended) A method of reconciling multiple inputs to a processor, comprising:
receiving a plurality of inputs at a processor; and
providing an output from the processor to an interface, the output based on the plurality of inputs, wherein the output has a degraded response when more than one of the plurality of inputs is asserted simultaneously and an increased response when one of the plurality of inputs is asserted significantly more than the other inputs.

2. (Amended) The method of claim 1, wherein said plurality of inputs are represented by an input vector in a coordinate space, and the output response is a maximum when the vector lies along

Attorney Docket No. SOM919990007US1

a coordinate axis of the coordinate space, and the output response is a minimum when the vector lies along a diagonal in the coordinate space.

21. (Amended) The method of claim 20, wherein the output is degraded when more than one of the plurality of inputs is asserted simultaneously and the output has an increased response when one of the plurality of inputs is asserted significantly more than the other inputs.

23. (Amended) A method of reconciling multiple inputs to control an animation, comprising:
receiving n inputs at a processor, wherein n is at least 2;
displaying an animation in accordance with a user interface by moving through an n -dimensional grid of animation frames in a direction based on the n inputs.

24. (Amended) The method of claim 23, wherein the animation response is degraded when more than one input is asserted simultaneously, and the animation response increases when an input is asserted substantially more than the other inputs.

Attorney Docket No. SOM919990007US1

REMARKS

The present application was filed on November 22, 1999 with claims 1-27. In the outstanding Office Action dated December 3, 2002, the Examiner: (i) objected to claims 1, 2, 21, 23 and 24 due to certain informalities; (ii) objected to the declaration; (iii) rejected claim 1 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,179,639 to Taaffe (hereinafter "Taaffe"); (iv) rejected claims 1, 16 and 27 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,442,788 to Bier (hereinafter "Bier"); (v) rejected claims 20-24 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,307,561 to Doi et al. (hereinafter "Doi") in view of Bier; (vi) rejected claims 25 and 26 under 35 U.S.C. §103(a) as being patentable over Taaffe in view of Bier; and (vii) made final the restriction requirement.

In this response, Applicants: (i) traverse the objection to the Declaration; (ii) amend claims 1, 2, 21, 23 and 24; and (iii) traverse the various §102(b) and §103(a) rejections for the following reasons.

Regarding the restriction requirement, Applicants cancel the claims of Group II, namely, claims 17-19, without prejudice to pursue such claims in a divisional application.

Regarding the objection to the declaration, Applicants traverse such objection. Applicants respectfully direct the Examiner's attention to M.P.E.P. §602 which indicates the information supplied on a declaration filed after the filing date of the application that is acceptable as a minimum for identification. One of the acceptable minimum forms of information includes the attorney docket number associated with the filed specification.

Applicants assert that the declaration filed in this case meets, at least, the above requirement. Applicants point out that the docket number at the top right hand corner of the declaration (the first page of which is attached hereto) reads "SE9-99-007 (1963-7342)." This matches the docket number of the specification as originally filed, as evidenced on the transmittal papers accompanying the application filed on November 22, 1999 (the first page of which is attached hereto). In addition, the declaration sets out the correct filing date and correct inventorship. Accordingly, withdrawal of the objection is respectfully requested.

Regarding the objection to claims 1, 2, 21, 23 and 24, Applicants have corrected the various typographical informalities therein. Accordingly, withdrawal of the objection is respectfully requested.

Attorney Docket No. SOM919990007US1

Regarding the allowability of claims 2-15, Applicants thank the Examiner for such acknowledgment and preserve the right to rewrite such claims in independent form pending the disposition of the non-allowed claim (claim 1) from which they depend.

Regarding the rejection of claim 1 under §102(b) based on Taaffe, Applicants respectfully traverse such rejection. Claim 1 recites a method of reconciling multiple inputs to a processor, comprising the steps of: receiving a plurality of inputs at a processor; and providing an output from the processor to an interface, the output based on the plurality of inputs, wherein the output has a degraded response when more than one of the plurality of inputs is asserted simultaneously and an increased response when one of the plurality of inputs is asserted significantly more than the other inputs. While the present specification describes a user-controlled animation application that allows a user to more easily learn how to control the progression of an animation, the invention is not so limited.

On the other hand, Taaffe discloses a technique for the high resolution display of an image on a monitor or display unit of a computer system simultaneously with the lower spatial resolution display of graphics on the monitor screen (see column 1, lines 12-16, of Taaffe). By way of example, as specified at column 2, lines 21-24, of Taaffe, the technique provides for displaying, on a display unit at the same time, graphics (lower spatial resolution) overlaying an image (high resolution).

This is significantly different than what is recited in claim 1. First, Taaffe deals with a simultaneous output of two signals, namely, an image signal and a graphics overlay signal. The claimed invention recites simultaneous assertion of a plurality of inputs. Second, the section of Taaffe pointed to by the Office Action, namely, column 3, line 52, through column 4, line 16, does not teach or suggest that "the output has a degraded response when more than one of the plurality of inputs is asserted simultaneously and an increased response when one of the plurality of inputs is asserted significantly more than the other inputs," as in the claimed invention. What is described in Taaffe (for example, in Table I) is how the mixer integrates the image signal and the graphics overlay signal. There is no description of a degraded or increased response depending on when one of the plurality of inputs is asserted significantly more than the other inputs, as in the claimed invention.

For at least these reasons, Applicants request withdrawal of the §102(b) rejection of claim 1 based on Taaffe.

Attorney Docket No. SOM919990007US1

Regarding the rejection of claims 1, 16 and 27 under §102(b) based on Bier, Applicants respectfully traverse such rejection.

Bier discloses a multi-user multi-device system that enables a plurality of users to control a single screen. That is, Bier allows for sharing a plurality of software applications on a single display while permitting substantially simultaneous input from all users (see column 2, lines 15-17 of Bier). The Office Action suggests that Bier discloses degraded or increased response depending on when one of the plurality of inputs is asserted significantly more than the other inputs, as in the claimed invention. However, providing for such a feature in Bier would be counterproductive to the goals that Bier is trying to attain, e.g., the ability to share a plurality of software applications on a single display. The Office Action points to FIG. 23 of Bier to support the assertion that Bier teaches a degraded response. However, at column 14, lines 67 and 68, of Bier, it is clearly stated that, but for the actions of the Bier technique (using "paint algorithms" described in column 15), such inconsistencies would appear, not that they do appear. Thus, Bier takes measures to avoid the appearance of such inconsistencies, while the claimed invention provides a degraded response and/or discouragement when more than one of the plurality of inputs is asserted simultaneously. If this feature were provided by Bier, the Bier system would be ineffective because multiple users would not want to use it.

For at least these reasons, Applicants request withdrawal of the §102(b) rejection of claims 1, 16 and 27 based on Bier.

Regarding the rejection of claims 20-24 under §103(a) based on Doi and Bier, Applicants respectfully traverse such rejection. Doi discloses animation generating techniques. However, the combination of Doi and Bier fails to teach or suggest all of the limitations of claims 20-24.

First, while Doi deals with animation, there is no disclosure of "summing the plurality of inputs, wherein the animation moves forwards when the output is positive and the animation moves backwards when the output is negative," as in the claimed invention. By merely citing that Bier reconciles multiple inputs, as in the Office Action, does not make up for the lack of teaching or suggestion of the features expressly recited (e.g., "summing . . .") in claim 20. Also, for at least the same reasons presented above regarding the deficiencies of Bier, Applicants assert that the combination of Doi and Bier fails to teach or suggest the claimed features of dependent claims 21-24.

For at least these reasons, Applicants request withdrawal of the §103(a) rejection of claims 20-24 based on Doi and Bier.

Attorney Docket No. SOM919990007US1

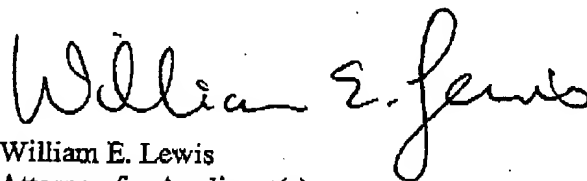
Regarding the rejection of claims 25 and 26 under §103(a) based on Taaffe and Bier, Applicants respectfully traverse such rejection. The deficiencies of Taaffe and Bier have been individually set out above. However, in combination, they still fail to teach or suggest all limitations of claims 25 and 26. For instance, based on the same explanations given above, it is clear that the combination of Taaffe and Bier fail to teach or suggest a technique that "combines the inputs to form an output response and degrades the output response when multiple inputs are asserted simultaneously, and increases the output response when one input is asserted substantially more than the other inputs," as in the claimed invention.

For at least these reasons, Applicants request withdrawal of the §103(a) rejection of claims 25 and 26 based on Taaffe and Bier.

Attached hereto is a marked-up version of the changes made to the claims by the present Amendment.

In view of the above, Applicants believe that claims 1-27 are in condition for allowance, and respectfully request withdrawal of the §102(b) and §103(a) rejections.

Respectfully submitted,



Date: April 3, 2003

William E. Lewis
Attorney for Applicant(s)
Reg. No. 39,274
Ryan, Mason & Lewis, LLP
90 Forest Avenue
Locust Valley, NY 11560
(516) 759-2946

Attorney Docket No. SOM919990007US1

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS

Please cancel claims 17-19 without prejudice.

Please amend claims 1, 2, 21, 23 and 24 as follows:

1. (Amended) A method of reconciling multiple inputs to a processor, comprising:
receiving a plurality of inputs at a processor; and
providing an output from the processor to an interface, the output based on the plurality of inputs, wherein the output has a degraded response when more [then] than one of the plurality of inputs is asserted simultaneously and an increased response when one of the plurality of inputs is asserted significantly more than the other inputs.
2. (Amended) The method of claim 1, wherein said plurality of inputs are represented by an input vector in a coordinate space, and the output response is a maximum when the vector lies along a coordinate axis of the coordinate space, and the output response is a minimum when the vector lies along a diagonal in the coordinate space.
21. (Amended) The method of claim 20, wherein the output is degraded when more [then] than one of the plurality of inputs is asserted simultaneously and the output has an increased response when one of the plurality of inputs is asserted significantly more than the other inputs.
23. (Amended) A method of reconciling multiple inputs to control an animation, comprising:
receiving n inputs at a processor, wherein n is at least 2;
displaying an animation [n] in accordance with a user interface by moving through an n-dimensional grid of animation frames in a direction based on the n inputs.
24. (Amended) The method of claim 23, wherein the animation response is degraded when more than one input is asserted simultaneously, and the animation response increases when [on] an input is asserted substantially more than the other inputs.

Docket No.: SE9-99-007 (1963-7342)**Declaration and Power of Attorney for
Patent Application**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**A SYSTEM AND METHOD FOR ADAPTIVE DELIVERY OF RICH MEDIA CONTENT
TO A USER IN A NETWORK BASED ON REAL TIME BANDWIDTH MEASUREMENT
& PREDICTION ACCORDING TO AVAILABLE USER BANDWIDTH**

the specification of which (check one)

☒ is attached hereto:

was filed on November 22, 1999 as Application Serial No. Not yet Assigned and was amended on _____.

I hereby state that I have reviewed and understand the contents of the above- identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s):

Number	Country	Day/Month/Year	Priority Claimed
--------	---------	----------------	------------------

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information material to the patentability of this application as defined in Title 37, Code of Federal Regulations, §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Receipt in the USPTO is hereby acknowledged of:

Amendment Transmittal - (Original & 1 copy)
Amendment and Response to Office Action - 7 pages
Copy of first page of Declaration - 1 page
Copy of first page of Transmittal Letter - 1 page

April 3, 2003
SOM919990007US1
Serial No. 09/444,317
1500-372

